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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,954	09/22/2003	Yi Chiu Kao	MR1115-478	5734
4586	7590	03/29/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043				NGUYEN, TRUC T
			ART UNIT	PAPER NUMBER
				2833

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SMA

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/664,954	KAO, YI CHIU
	Examiner Truc T. T. Nguyen	Art Unit 2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the recitation of “the first adjacent portion thus pushes the first adjacent portion of the slider” in the last paragraph is unclear.

Claim 14, the recitation of “said push portion” is unclear to determine which part that the push portion is belong to? Is the push portion a part of the slider or the push rod?

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of “concave groove” must be shown or the feature canceled from the claim 13. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang et al. (US 6,319,028).

Regarding claim 11, Zhang et al. disclose an ejector (131) placed on ejector receiving groove (104) of a memory card connector (10) used for releasing at least one memory card (2) from the connector comprising:

a slider (136) which has a moving portion moving (137) in ejector receiving groove, a push portion (138) for driving the SIM card, and a first adjacent portion (140) placed on the moving portion;

a push rod (131), one end (1312) of the push rod being a second adjacent portion , the other end (1310) being a pushing portion; and

a lever placed on the ejector receiving groove which has a first end (145) placed on its one side and a second end (144) placed on its other side, wherein the first end engages with the first adjacent portion of said slider, the second end separately engages with the second adjacent portion of said push rod .

Regarding claim 12, Zhang et al. disclose a spring (142) located between the push rod and the ejection-receiving groove .

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (US 6,319,028).

Zhang et al. substantially disclose the claimed invention except for the shape of the groove being a concave, and the shape of the push portion being as an inclined-shaped.

It would have been obvious matter of design choice to modify the shape of the groove and the push portion to a concave-shaped and an inclined-shaped, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

8. Claims 1, 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertho et al. (US 5,304,070) in view of Zhang et al. (US 6,319,028).

*The recitation that the Module is a SIM (Subscriber Identity Module) has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).*

Regarding claim 1, Bertho et al. disclose a module card connector (10) with ejector comprising:

a housing (12, 14) forming a card receiving space (42) on one side thereof;

an ejector receiving groove on the other side thereof for containing the ejector, the ejector-receiving groove divided into a slider groove (36) and a push rod groove (50);

a plurality of the contacts (24);

the ejector comprises:

a slider (16);

a push rod (20); and

a lever (18);

the slider comprising a moving portion (16) moving along the slide groove, a push portion (52) extending into the card receiving space used for driving the SIM card, and a first adjacent portion (bottom of the moving portion engages to member 54a, see Figure 3) placed on the moving portion;

the push rod being placed in the push rod groove, one end (66) of the push rod being a second adjacent portion, the other end (68) being a pushing portion;

the lever which has a first end (54a) placed on its one side and a second end (54b) placed on its other side, the first end engaging with the first adjacent portion, the second end separately engaging with the second adjacent portion;

while a user presses the push rod to eject the SIM card, the second adjacent portion pushes the second end and the lever starts to rotate, the first end thus pushes the first adjacent portion of the slider, the SIM card is driven by the push portion of the slider, and the SIM card finally released from the card connector.

Bertho et al. substantially disclose the claimed invention except for the lever is placed on the ejector-receiving groove.

Zhang et al. teach a housing (10) having an ejector-receiving groove (104) accommodates three members such as a push rod (131), a lever (143), and a slider (136).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a groove that accommodating threes members of the ejector into Bertho's module, as taught by Zhang et al. for secure the ejector within the connector housing.

Regarding claim 3, in the modified module, Zhang et al. disclose a back guiding board (surface of groove 104, see Figure 1) has a bottom extends into the push rod groove and a sidestep (133) located on the push rod, a spring is contained between the bottom and the sidestep.

Regarding claim 4, in the modified module, Zhang et al. disclose the bottom has a spring retaining projection (hidden, see Figure 5) opposite to said sidestep for engaging the spring.

Regarding claim 5, in the modified module, Zhang et al. disclose the sidestep has a hole (132) towards said bottom for containing one side of the spring.

Regarding claim 6, in the modified module, Zhang et al. disclose the housing has a projecting hole placed on its back part towards the push rod groove, so that the pushing portion extends out for user pressing (see Figure 1).

Regarding claims 7-8, in the modified module, Bertho in view of Zhang et al. substantially disclose the claimed invention except for the shape of the groove being a concave, and the shape of the push portion being as an inclined-shaped.

It would have been obvious matter of design choice to modify the shape of the groove and the push portion to a concave-shaped and an inclined-shaped, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

Regarding claim 9, in the modified module, Bertho et al. disclose a cover (38).

Regarding claims 10, in the modified connector, Bertho et al. disclose the cover has a cover nick (48) placed on the back of the cover, said housing correspondingly has a housing nick (32), the cover nick and the housing nick form a taking card nick.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertho et al. (US 5,304,070) and Zhang et al. (US 6,319,028) as applied in claim 1 above and further in view of Zhang et al. (US 6,379,167).

In the modified module, Bertho in view of Zhang'028 substantially disclose the claimed invention except for the ejector-receiving groove has a pivot protrusion.

Zhang'167 teach a pivot protrusion (105).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pivot protrusion into the modified module, as taught by Zhang'167 to reduce number of parts in the module.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. T. Nguyen whose telephone number is 571-272-2011. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2833

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. Nguyen  
March 20, 2004